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Attorneys for Respondent
FALLBROOK UNION HIGH SCHOOL DISTRICT

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

MARY STRUBLE, As Conservator for CS,

PLAINTIFF,

V.

FALLBROOK UNION HIGH SCHOOL
DISTRICT, a Local Educational Agency

DEFENDANT

Civil No. 07cv2328-LAB(CAB)

**DECLARATION OF CHERYL SMITH IN
SUPPORT OF DEFENDANT
FALLBROOK UNION HIGH SCHOOL
DISTRICT'S EX PARTE APPLICATION
TO CONTINUE MANDATORY
SETTLEMENT CONFERENCE**

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DECLARATION OF CHERYL SMITH

I, Cheryl Smith, declare as follows:

1. I have personal knowledge of the matters set forth in this Declaration and if called upon could and would competently testify thereto.

2. I am the Legal Administrator for Filarsky & Watt, LLP, attorneys for Fallbrook Union High School District ("District"). One of my responsibilities is scheduling appearances for Sharon Watt, the principal attorney assigned to this matter.

3. On February 25, 2008, at approximately 9:45 a.m., I personally telephoned Ellen Dowd, attorney for Plaintiffs. My call was answered by a recorded message from Ms. Dowd identifying her law office and to leave a recorded message. I left a recorded message advising Ms. Dowd that Sallie Hunt, Special Education Director of District, was not available to attend the Mandatory Settlement Conference on February 29, 2008, and requested Ms. Dowd to call me with alternative dates of availability so that I could notify the court.

4. On February 25, 2008, at approximately 10:00 a.m., I personally faxed Ms. Dowd correspondence again notifying Ms. Dowd that Ms. Hunt is not available to attend the Mandatory Settlement Conference on February 29, 2008 due to a pre-paid/pre-planned trip out of state. I again requested that Ms. Dowd contact me with alternative dates of availability so that I could notify the court. Fax correspondence to Ms. Dowd (with confirmation) is attached hereto as Exhibit B.

5. I have not received a response from Ms. Dowd. I have also confirmed with the other employees of Filarsky & Watt that Ms. Dowd has not responded to my voice message or fax as of yet.

6. The first dates that Ms. Watt and Ms. Hunt are available for a settlement conference are March 19, 24 or 26, 2008.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on February 26, 2008, at Ojai, California.


Cheryl Smith

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STEVE A. FILARSKY

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FAX TRANSMISSION

TO: Ellen Dowd, Esq. (858) 755-6348

FROM: Cheryl Smith, Legal Administrator
cherylsmith@filarskyandwatt.com

DATE: February 25, 2008

PAGES: 1 (including transmittal sheet)

RE: *Mary Struble, as Conservator for C.S. v. Fallbrook Union High School District*
USDC Case No. 07CV 2328

Dear Ms. Dowd:

This is a follow-up to my voice mail to you this morning notifying you that Ms. Hunt, Special Education Director of FUHSD is not available to attend the Mandatory Settlement Conference on February 29, 2008 due to a pre-paid/pre-planned trip out of the State.

Please give me a call or email with alternative dates you are available and I will notify the court. Thank you for your assistance.

EXHIBIT

B

Important:

The information contained in this facsimile message is intended only for the personal and confidential use of the designated recipient(s) named above. This message may be an attorney-client communication, and as such, is privileged and confidential. If the reader of this message is not the intended recipient(s) or an agent responsible for delivering it to the intended recipient(s), you are hereby notified that you have received this document in error, and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify the sender or this office immediately by telephone and return the original message to us by mail.

Transmission Report

Date/Time	02-25-2008	09:57:29 a.m.	Transmit Header Text	
Local ID 1	805 640 2980		Local Name 1	FILARSKY & WATT
Local ID 2			Local Name 2	

This document : Confirmed
(reduced sample and details below)
Document size : 8.5"x11"

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001	923	8587556348	09:56:03 a.m. 02-25-2008	00:00:47	1/1	1	EC	HS	CP14400

Abbreviations:

HS: Host send
 HR: Host receive
 WS: Waiting send

PL: Polled local
 PR: Polled remote
 MS: Mailbox save

MP: Mailbox print
 CP: Completed
 FA: Fail

TU: Terminated by user
 TS: Terminated by system
 RP: Report

G3: Group 3
 EC: Error Correct